

United States Patent and Trademark Office
Office of the Commissioner for Patents

FAX

Date: 10/28/04Number of pages including cover sheet: 5

To

Daniel Wu

For:

09/730,327Phone 571 272-2964Fax phone: 571 273-2964

CC:

From: Commissioner for Patents Office

Kathy MateckiU.S. Patent & Trademark
Office

Washington, DC 20231

Phone: (703) 305-8800

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REMARKS:



Urgent



Per your request



Reply ASAP



Please comment

response to non-compliant letter

for 09/730,327.

Thanks!

Kathy Matecki

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Rast, Rodger
Serial No.: 09/730,327
Filed: December 5, 2000
For: **Reaction Advantage Anti-Collision Systems and Methods**
Group No.: 2632
Examiner: Lee, L. C.



26994

PATENT / TRADEMARK OFFICE

Commissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450, Alexandria VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450

on: September 30, 2004


Rodger H. Rast Reg. No. 45,853

Sept. 30, 2004
Date of Signature

RESPONSE TO INFORMALITY - "RE PAYMENT OF FEE"

Dear Sir:

This is in response to the alleged informality regarding claim fees of 09/01/04.

Applicant has called on a number of occasions the clerk signing the "informality" (Eric Darry at 571-272-2955) and has left numerous messages over a period of days to return the call and the call has never been returned. Applicant has also called the examining group, again during your normal business hours and again has had to leave messages ...which again were never returned. Applicant even tried going through OIPE, and they

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gave me another number within the examining group - which again was not answered and to which the message has not been responded to.

There are numerous problems with this "informality" action from the USPTO. Applicant was called a number of months ago, wherein the clerk indicated that a fee had not been paid for one of the claims. The Applicant wanted them to drop that claim so as not to hold up prosecution, they indicated they could not do that and would send out a notice. After a long delay the notice was received, **four months** after the amendment date. The amendment in May was sent to correct the wording of claim status, as the Applicant had inadvertently marked one or more claims as "presently amended" instead of "currently amended" in the Amendment of April 12, 2004, and so was required to resubmit a listing of the claims with the correct markings. (Applicant feels that itself is absurd, because the meaning is clear from the either wording.) There were no new claims added in May in correcting those wordings from the April Amendment, and there was no mention of additional claim fees needed in the April Amendment. It appears that whoever looked over the Amendment sent in May did not read what the purpose of the amendment was or the history of the amendments.

The notice received then from the USPTO doesn't clear things up at all. The fee amount appears it "might" indicate \$104, but again it could indicate \$10; it doesn't make sense - it is handwritten and cannot be readily discerned, as is the last name of the clerk - which should have been handwritten and not requiring the Applicant to glean their name from their signature. There are a number of problems with how this "informality" has been handled.

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- (1) The Applicant can't read what the fee for remittance is - handwriting is poor.
- (2) There is no explanation as to which claims have not been paid for.
- (3) Applicant has carefully gone through the claim history a couple of times and found that all claims have been properly paid for and your office appears to be in error.
- (4) This unwarranted "informality" is holding up my application at a critical time!!!!
- (5) The Amendment (May) was held 4 months before this notice received!!
- (6) There is no mention of what Mail Stop the Applicant is to respond.
- (7) Your office won't respond to phone repeated calls allowing us to figure out what is happening.

Applicant is forwarding a copy of this along with a cover letter to Esther M. Kepplinger the Deputy Commissioner of Patent Operations as I feel that she should be aware of the problems arising in your tech group, as these problems reflect a very poor control of personnel and operational procedures.

Returning to the claim fees:

In order to figure out what the missing claim fee amount should be Applicant has carefully gone through the application history. It appears to the Applicant THAT ALL PENDING CLAIMS HAVE BEEN CORRECTLY PAID FOR. Following is a breakdown of the pending claims.

PENDING:

Currently there are 82 total claims pending including 6 independent claims.

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1-10, 12-22, 25-26, 28-42, 44-49, 60-61, 67-102 = 82 Total Claims

1, 6, 67, 96, 97, 102 = 6 Independent Claims.

HISTORY OF PAID CLAIMS:

12/05/2000 - Initial application: PAID 59 total with 5 independent claims.

8/13/2002 Amendment: PAID +23 total claims and 1 independent claim.

TOTAL: $59+23=82$ Total claims, $5+1=6$ independent claims.

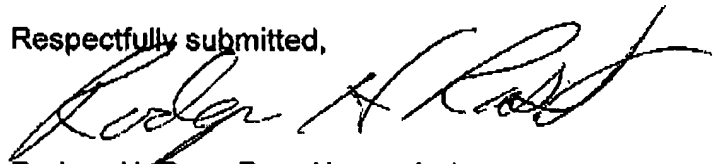
Therefore, it appears to the Applicant that all the pending claims 82 TTL + 6 independent claims, have been properly paid for.

However, Applicant is including a check for \$10 in case there is something the Applicant has missed in the history. The lack of information and lack of response from your technology group leaves the Applicant in the position of guessing about what is a very important technology for our fledging company.

Please contact me immediately by phone regarding this response, that I can be sure it is being properly handled, and that my application may finally get back to the Examiner.

Date: Sept. 30, 2004

Respectfully submitted,



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